

LAWS AND REGULATIONS RELATING TO

Licensure as a Massage Therapist



Published By
The Kentucky Board of Licensure for
Massage Therapists
P. O. Box 1360
Frankfort, Kentucky 40602
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April, 2004
Edition

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

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Kentucky Revised Statutes

309.350 Definitions for KRS 309.350 to 309.364.

As used in KRS 309.350 to 309.364 unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Licensure for Massage Therapy;
- (2) "Board-approved massage program" means one which meets minimum standards for training and curriculum as determined by the board;
- (3) "Feldenkrais Method" means a system of somatic education in which touch and words are used to eliminate faulty habits, learn new patterns of self-organization and action, and improve a person's own functional movement patterns. The method is based on principles of physics, biomechanics and an understanding of, or learning about, human development. The practice is federally trademarked and requires permission from the Feldenkrais Guild to use the term and methodology;
- (4) "Massage therapist" means a person who is licensed by the board to administer massage or massage therapy to the public for compensation;
- (5) "Polarity therapy" means diverse applications affecting the human energy system. These applications include energetic approaches to somatic contact, verbal facilitation, nutrition, exercise, and health education. Polarity therapy does not make medical claims, diagnose physical ailments, or allow prescription of medications.
Standards for schools, education, and practice, the administration of a code of ethics, and a registration process are provided by the American Polarity Therapy Association;
- (6) "Practice of massage therapy" means the application, by a massage therapist licensed by the board, of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client. The practice includes the external application of water, heat, cold, lubricants, salt scrubs, or other topical preparations; use of electromechanical devices that mimic or enhance the actions of the hands; and determination of whether massage therapy is appropriate or contraindicated, or whether referral to another health care practitioner is appropriate; and
- (7) "Trager Approach" means a form of movement education that uses subtle directed movements and the skilled touch of a practitioner. The Trager Approach combines physical movement with sensory awareness and internal imagery designed to increase the client's self-awareness and generate physiological changes in the body tissues so as to allow the client to experience a new way of moving his or her body. The practice is federally trademarked.

309.351 Prohibited acts.

Massage therapists practicing under KRS 309.350 to 309.364 shall not perform any of the following: diagnosis of illness or disease; high-velocity, low-amplitude thrust applied to a joint; spinal or pelvic adjustment or chiropractic manipulation; deep physical agent modalities, except hydrotherapy methods; application of ultrasound; or prescription of medication.

309.352 Scope of KRS 309.350 to 309.364.

KRS 309.350 to 309.364 shall not preclude:

- (1) Persons duly licensed, registered, or certified as massage therapists in another state or territory, the District of Columbia, or a foreign country when invited to this state to teach a course related to massage therapy or to consult with a person licensed under KRS 309.350 to 309.364;
- (2) Students practicing massage therapy while enrolled in a program recognized by the board and completing a clinical requirement for graduation while under the supervision of a board-licensed massage therapist;
- (3) A person administering a massage to members of the person's immediate family;

(4) Persons who restrict manipulation of the soft tissues of the human body to the hands, feet, or ears, and do not hold themselves out to be massage therapists;

(5) Persons who use procedures within the scope of practice of their profession, which has established standards and ethics, provided that their services use touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged, but who are not designated or implied to administer massage or to be massage therapists. These practices include, but are not limited to, the Feldenkrais Method, polarity therapy, and the Trager Approach;

(6) Persons engaged within the scope of practice of a profession with established standards and ethics in which touch is limited to what is essential for palpation and affecting of the human energy system, provided that their services are not designated or implied to be massage or massage therapy;

(7) Persons duly licensed, certified, or registered in another state or territory, the District of Columbia, or a foreign country when incidentally in this state to provide service as a part of an emergency response team working in conjunction with disaster relief officials or as part of a charity event;

(8) Students participating in massage therapy classes or continuing education while in the classroom or practicing on a classmate and not holding themselves out as massage therapists or accepting compensation for the practice; or

(9) Practitioners of the following occupations and professions regulated by state law while engaging in the practices for which they are duly licensed and while not holding themselves out to be massage therapists:

(a) Physicians, osteopaths, podiatrists, and athletic trainers regulated under KRS Chapter 311;

(b) Chiropractors regulated under KRS Chapter 312;

(c) Registered nurses and practical nurses regulated under KRS Chapter 314;

(d) Barbers and cosmetologists regulated under KRS Chapters 317 and 317A, respectively;

(e) Occupational therapists regulated under KRS Chapter 319A; and

(f) Physical therapists regulated under KRS Chapter 327.

309.353 License required to practice massage therapy or use titles indicating massage therapy is provided.

No person shall practice massage therapy or hold himself or herself out to be a massage therapist unless the person meets the educational and licensing requirements of KRS 309.358 and 309.360 and holds a valid license that has not been suspended or revoked.

(1) A licensed massage therapist may represent himself or herself as a massage therapist or licensed massage therapist and may use the abbreviations "M.T." or "L.M.T." as part of or immediately following his or her name to identify the profession.

(2) It shall be unlawful for any person, or for any business entity, its employees, agents, or representatives, to practice massage or massage therapy or to use in connection with his, her, or its name or business activity the words "massage," "massage therapy," "massage therapist," "massage practitioner," "masseur," or "masseuse," or the letters "M.T." or "L.M.T.," or any other words, letters, abbreviations, or insignia indicating or implying directly or indirectly that massage therapy is provided or supplied unless massage therapy is provided by a massage therapist licensed and practicing in accordance with KRS 309.350 to 309.364.

309.354 Kentucky Board of Licensure for Massage Therapy -- Appointments -- Terms -- Reimbursement -- Removal.

(1) There is created a board to be known as the Kentucky Board of Licensure for Massage Therapy, which shall be an independent agency attached to the Division of Occupations and Professions for administrative and clerical purposes.

(2) The Governor shall appoint seven (7) members to serve on the board with the following representation:

(a) Five (5) members who are massage therapists licensed under KRS 309.350 to 309.364, who have been in the practice of massage therapy for at least five (5) of the last seven (7) years prior to June 24, 2003, and who are residents of Kentucky;

(b) Of these five (5), at least one (1) but no more than two (2) shall own or direct a board-approved massage therapy training program; and

(c) Two (2) members shall be appointed by the Governor and shall serve as members at large who are neither licensed massage therapists nor spouses of persons who are licensed, or have a direct or indirect interest in the profession regulated under KRS 309.350 to 309.364. One (1) of the two (2) may hold a license in another health care profession.

(3) Appointments shall be for three (3) years with initial appointments as follows: three (3) appointees shall serve three (3) year terms; two (2) shall serve two (2) year terms; and two (2) shall serve one (1) year terms. The Governor shall assign terms to initial members at his or her discretion.

(4) The board shall elect initially, and annually thereafter, a chair, vice chair, and secretary from its membership and shall meet at least once per year, and more often as deemed necessary, at a time and at a place in Kentucky for the board to fulfill its duties.

(5) Each member of the board shall receive a per diem not to exceed one hundred dollars (\$100) and other actual and necessary expenses for each day he or she is actually engaged in the discharge of the board's official duties.

(6) Upon recommendation of the board, the Governor may remove any member of the board for a poor attendance record, neglect of duty, or malfeasance in office.

309.355 Powers and duties of board.

(1) The board shall administer and enforce the provisions of KRS 309.350 to 309.364 and shall have the responsibility to evaluate the qualifications of applicants for licensure and to authorize issuing, renewing, suspending, and revoking licenses.

(2) The board may institute civil and criminal proceedings against violators of KRS 309.350 to 309.364, shall investigate alleged violations brought to its attention, and shall take appropriate action. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of KRS 309.350 to 309.364.

(3) The board shall promulgate administrative regulations, pursuant to KRS Chapter 13A, to carry out and enforce provisions of KRS 309.350 to 309.364, including creating a code of ethical standards, standards of practice for licensed massage therapists, and continuing education requirements.

(4) The board shall keep a record of its proceedings and a register of all persons licensed as massage therapists. The register shall include the name, license number and date of issue, last known place of business, and residence of each licensee. The board shall publish annually a directory of licensed massage therapists and their places of business. The list shall be available to any Kentucky citizen upon request and payment of a fee not to exceed the cost of the publication.

(5) The board shall make an annual report to the Governor and the General Assembly, which shall contain an account of its duties performed, actions taken, and appropriate recommendations.

(6) The board may seek an injunction in Franklin Circuit Court against any individual who practices massage therapy in the Commonwealth without a license.

309.356 Revolving fund.

1) All fees and other moneys received by the board pursuant to the provisions of KRS 309.350 to 309.364 shall be deposited in the State Treasury to the credit of a revolving fund for the use of the board.

(2) No part of this revolving fund shall revert to the general funds of this Commonwealth.

(3) The compensation of members of the board and all of the employees of the board and all expenses incurred by the board shall be paid from this revolving fund.

309.357 Fees.

The following fees shall be required of licensees and prospective applicants:

(1) Application fee of fifty dollars (\$50), which shall be credited to the initial license fee for successful applicants;

(2) Initial, nonrefundable license fee not to exceed one hundred twenty-five dollars (\$125);

(3) Biennial renewal fees not to exceed one hundred dollars (\$100);

(4) Late renewal fees not to exceed one hundred fifty dollars (\$150); and

(5) Within sixty (60) days of the date of reinstatement, fees not to exceed two hundred dollars (\$200).

309.358 Qualifications for license.

(1) Between June 24, 2003, and June 24, 2005, the board shall issue an initial license as a massage therapist to an applicant who:

(a) Is eighteen (18) years of age or older;

(b) Has paid the application fee and other fees required by the board;

(c) Is a person of good moral character;

(d) Has successfully completed a course of study consisting of a minimum of five hundred (500) classroom hours of supervised instruction in a massage therapy training program approved by the board; and

(e) Has successfully passed an examination administered by a certifying agency that has been approved by the National Commission for Certifying Agencies.

(2) On and after June 24, 2005, the board may issue a license as a massage therapist to an applicant who:

(a) Is eighteen (18) years of age or older;

(b) Has paid the application fee and other fees required by the board;

(c) Is a person of good moral character;

(d) Has successfully completed a course of study consisting of a minimum of six hundred (600) classroom hours of supervised instruction in a massage therapy training program approved by the board; and

(e) Has successfully passed an examination administered by a certifying agency that has been approved by the National Commission for Certifying Agencies.

309.359 Reciprocity.

The board may grant a license to any person who is licensed, certified, or registered in another state or country that has standards at least as stringent as those required by KRS 309.358. Applicants who are not from a state that has standards at least as stringent as those required by KRS 309.358 may appeal to the board for a hearing to determine if their experience and education meet the criteria.

309.360 Qualifications for license issued prior to June 24, 2005.

Between June 24, 2003, and June 24, 2005, the board shall issue a license to an applicant who meets the requirements of KRS 309.358(1)(a), (b), and (c) and one (1) of the following:

(1) Has successfully completed a course of study consisting of a minimum of five hundred (500) classroom hours of supervised instruction in a massage therapy training program approved by the Kentucky State Board for Proprietary Education or its equivalent in other states;

(2) Has received the designation of "Nationally Certified" or "Internationally Certified" by the National Certification Board for Therapeutic Massage and Bodywork or other massage therapist certifying agency approved by the National Commission for Certifying Agencies;

(3) Has provided documentation satisfactory to the board that the applicant has practiced massage therapy for at least seven (7) years prior to June 24, 2003;

(4) Has provided documentation satisfactory to the board that the applicant has practiced massage therapy for at least one (1) year and has completed two hundred (200) hours of formal training; or

(5) Holds a current and valid license, certificate, or registration in another state with substantially equivalent requirements.

309.361 Renewal -- Continuing education requirements.

When renewing a license, each licensee shall document the successful completion of the required board-approved continuing education credits. Twenty-four (24) hours of training shall be required for each two (2) year renewal period. A maximum of twelve (12) additional hours may be carried over into the next renewal period. Courses may include ethics, business practices, science, and techniques related to massage therapy.

309.362 Grounds for refusal to issue or renew a license, suspension or revocation of a license, administrative reprimand, or probation.

(1) The board may deny or refuse to renew a license, may suspend or revoke a license, may issue an administrative reprimand, or may impose probationary conditions when the licensee or applicant has engaged in unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct shall include the following:

(a) Obtaining or attempting to obtain a license by fraud, misrepresentation, concealment of material facts, or making a false statement to the board;

(b) Being convicted of a felony in any court if the act or acts for which the licensee or applicant for license was convicted are determined by the board to have a direct bearing on whether the person is trustworthy to serve the public as a licensed massage therapist. "Conviction," as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere in a court of law;

(c) Violating any lawful order or administrative regulation promulgated by the board;

(d) Violating any provision of this chapter;

(e) Having sexual contact as defined by KRS 510.010(7) with a client or having engaged or attempted to engage in lewd or immoral conduct with any client or patient;

(f) Engaging in fraud or material deception in the delivery of professional services, including reimbursement or advertising services, in a false or misleading manner; or

(g) Evidence of gross negligence or gross incompetence in the practice of massage therapy.

(2) The board may, at its discretion, deny, refuse to renew, suspend or revoke a license, or impose probationary conditions following an administrative hearing pursuant to KRS Chapter 13B and in accordance with administrative regulations promulgated by the board.

(3) The surrender of a license shall not deprive the board of jurisdiction to proceed with disciplinary actions under KRS 309.350 to 309.364.

309.363 Board approval of massage therapy program of instruction -- Requirements -- Continuing education guidelines.

(1) A person, institution, or business entity desiring to have the board determine the standing of a massage therapy program of instruction shall file a completed application for a certificate of good standing with the board on a form prescribed by the board. The completed application shall provide proof acceptable to the board that the following criteria have been met:

(a) The program is licensed to operate by the Kentucky State Board for Proprietary Education or its equivalent in another state;

(b) A curriculum statement showing clock hours devoted to each subject with the following minimums:

1. One hundred (100) hours of anatomy, physiology, or pathology;

2. A two hundred (200) hour course to include massage theory, technique, and practice focusing on gliding strokes, kneading, direct pressure, deep friction, joint movement, superficial warming techniques, percussion, compression, vibration, jostling, shaking, and rocking; and

3. Two hundred (200) hours of approach to the business of massage, specifically including contraindications, benefits, business, history, ethics, legalities of massage, and courses designed to meet the school's specific program objectives. The board may use its discretion in allotting the additional one hundred (100) curricular hours that are required under KRS 309.358;

(c) A listing of instructional staff and their qualifications showing a minimum educational equivalent for each instructor and aide for licensure under KRS 309.350 to 309.364, or proof of qualifying for issuance of a license under KRS 309.359. Instructors in the practical courses shall be required to have three (3) years of experience in the practice of massage therapy.

(2) The board shall accept National Certification Board for Therapeutic Massage and Bodywork guidelines in approving continuing education.

309.364 Preemption of local regulation -- No effect on local zoning requirements or occupational license fees.

(1) KRS 309.350 to 309.364 supersede all ordinances or regulations regulating massage therapists in any city, county, urban-county, charter county, or consolidated local government.

(2) This article does not affect city, county, urban-county, charter county, or consolidated local government regulations relating to zoning requirements or occupational license fees pertaining to health care professions.

Kentucky Administrative Regulations

STATEMENT OF EMERGENCY

201 KAR 42:020E

This new emergency administrative regulation establishes the fees for licensure, renewal and reinstatement of massage therapists. This new emergency administrative regulation must be placed into effect immediately in order to comply with a deadline contained in the mandates of KRS Chapter 309. Application procedures must be enacted immediately to establish the fees for the application process for licensure by the board to begin and related grandfather provisions. This new emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on March 15, 2004.

DIVISION OF OCCUPATIONS AND PROFESSIONS

Board of Licensure for Massage Therapy (New Emergency Administrative Regulation)

201 KAR 42:020E. Fees.

RELATES TO: KRS 309.357

STATUTORY AUTHORITY: KRS 309.355(3), 309.357

EFFECTIVE: March 15, 2004

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.357 requires the board to establish reasonable fees for the licensure, renewal and reinstatement of massage therapists. This administrative regulation establishes the fees relating to massage therapy (MT) licensure.

Section 1. Fee Payments. (1) All fees established in Section 2 of this administrative regulation shall be:

(a) Made payable as required by KRS 309.356 to the State Treasury; and

(b) Paid by:

1. Cashier's check;
2. Certified check;
3. Money order; or
4. Personal check.

(2) A payment for an application fee that is incorrect shall be returned to the applicant and the application shall not be posted until the correct fee is received.

Section 2. Fees. (1) The fee for an initial massage therapist license shall be \$125 paid according to the following schedule:

(a) Fifty (50) dollars of the \$125 shall be nonrefundable and due at the time of application.

(b) The remaining seventy-five (75) dollar balance of the \$125 fee shall be due at the time the license is approved.

(2) The biennial renewal fee for a massage therapist license shall be \$100.

(3) Reinstatement fees.

(a) If a license is renewed within sixty (60) days of the date of reinstatement, the renewal fee shall be \$150.

(b) If a license is renewed after sixty (60) days of the date of reinstatement, the renewal fee shall be \$200.

This is to certify that the Chair of the Kentucky State Board of Licensure for Massage Therapy has approved this administrative regulation prior to its filing by the Kentucky State Board of Licensure for Massage Therapy with the Legislative Research Commission as required by KRS Chapter 13A, to carry out and enforce provisions of KRS 309.350 to 309.364.

THERESA M. CRISLER, Chair

APPROVED BY AGENCY: March 8, 2004

FILED WITH LRC: March 15, 2004 at 10 a.m.

CONTACT PERSON: Kristen Webb, Director, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602, phone (502) 564-4233, fax (502) 564-4818.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Kristen M. Webb, Executive Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the fees for initial licensure, renewal, and reinstatement for a massage therapist.

(b) The necessity of this administrative regulation: KRS 309.335(3) requires the Board of Licensure for Massage Therapy to carry out the provisions of licensure of massage therapists and KRS 309.357 requires the board to establish fees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation conforms to the statutes by establishing all fees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation clearly delineates the amounts of all fees charged by the board and will reduce inquiries the board receives by placing the public on notice.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: N/A

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals planning to practice massage therapy; approximately 3,031 individuals currently practicing massage therapy; approximately 1,000 students currently enrolled in schools of massage therapy; and educational programs that provide the required massage therapy training.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: Current and future massage therapists are given a mechanism for paying fees required under KRS 309.364. The administrative regulation and state requirements for licensure will be taught to students ensuring each candidate for licensure understands the required state law and fees necessary for licensure under KRS 309.357.

(5) Provide an estimate of how much it will cost to implement this administrative regulation: Initial cost to implement this administrative regulation is of posting, printing, and mailing it as part of the total set of new administrative regulations for the practice of massage therapy. This administrative regulation provides for fees to be paid to the board and provides revenue. This revenue cannot be collected without printing costs of the two page application.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of the funding to be used for implementation enforcement is the proposed licensing fees. Proposed initial licensing fee is \$125. A 2002 Opinion Research Corporation (ORC) Caravan survey by Decision Diagnostics estimated 3,031 practicing massage therapists in Kentucky. An estimated 1,000 will apply for licensure in the first year, for a fund of \$125,000. The majority is estimated to apply near the end of the grandfathering period, bringing another 2,000+ application fees for a second-year income of \$250,000. It is to be noted that the

assembly of this proposed administrative regulation presented no cost to the state prior to filing with the Regulations Compiler.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: KRS 309.357 mandates fees to license as a massage therapist. This new administrative regulation sets those new fees, and does not require any new funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does establish fees as required by KRS 309.357.

(9) TIERING: Is tiering applied? Tiering is applied only in cases where individuals pay late fees that are at a rate as specified in KRS 309.357(4), (5).

STATEMENT OF EMERGENCY

201 KAR 42:035E

This new emergency administrative regulation establishes the application process and curriculum required for licensure of massage therapists. This new emergency administrative regulation must be placed into effect immediately in order to comply with a deadline contained in the mandates of KRS Chapter 309. Application procedures must be enacted immediately to establish the fees for the application process for licensure by the board to begin and related grandfather provisions. This new emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on March 17, 2004.

ERNIE FLETCHER, Governor

THERESA M. CRISLER, Chair

BOARD OF LICENSURE FOR MASSAGE THERAPY

(New Emergency Administrative Regulation)

201 KAR 42:035E. Application process and curriculum requirements.

RELATES TO: KRS 309.358, 309.359, 309.360

STATUTORY AUTHORITY: KRS 309.355(3)-309.360

EFFECTIVE: March 17, 2004

NECESSITY, FUNCTION, AND CONFORMITY: Requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.358 and 309.360 require the board to issue a license as a massage therapist to a qualified applicant, and after June 24, 2005, requires that the board may issue a license to an applicant. This administrative regulation establishes the application process and curriculum requirements for licensure.

Section 1. An applicant for licensure as a massage therapist shall:

(1) File a completed, signed, and dated application and required documentation with the board, meeting the requirements set forth in KRS 309.358 and 309.360;

(2) Pay by certified check or money order an application fee as established by 201 KAR 42:090, made payable to the Kentucky State Treasurer.

Section 2. To comply with KRS 309.358(1)(d) and 309.360(1), an applicant shall submit to the board, at the time of application, a curriculum statement, official transcript or certificate that shows the completion of at least 500 classroom hours, consisting of the following minimum requirements:

(1) 100 hours of sciences to include anatomy, physiology, pathology and kinesiology;

(2) 200 hours of massage or bodywork theory, technique, and practice focusing on:

(a) Gliding strokes;

(b) Kneading;

(c) Direct pressure;

(d) Deep friction;

(e) Joint movement;

(f) Superficial warming techniques;

(g) Percussion;

(h) Compression;

(i) Vibration;

(j) Jostling;

(k) Shaking; and

(l) Rocking; and

(3) 200 hours of approach to the business of massage, including:

(a) Contraindications;

(b) Benefits;

(c) Business;

- (d) History;
- (e) Ethics;
- (f) Legalities of massage; and
- (g) Courses designated to meet the school's specific program objectives.

Section 3. To comply with KRS 309.360(4), an applicant shall submit to the board, at the time of application, a curriculum statement, official transcript or certificate that shows completion of 200 hours of formal training, which shall include:

- (1) 100 hours of sciences to include anatomy, physiology, pathology and kinesiology;
- (2) Ninety eight (98) hours of massage or bodywork theory and application; and
- (3) Two (2) hours of ethics.

Section 4. To comply with KRS 309.358(2)(d), an applicant shall submit to the board, at the time of application, a curriculum statement, official transcript or certificate that shows the completion of at least 600 classroom hours, consisting of the following minimum requirements:

- (1) 200 hours of sciences to include anatomy, physiology, pathology, and kinesiology;
- (2) 200 hours of massage or bodywork theory, technique, and practice focusing on:
 - (a) Gliding strokes;
 - (b) Kneading;
 - (c) Direct pressure;
 - (d) Deep friction;
 - (e) Joint movement;
 - (f) Superficial warming techniques;
 - (g) Percussion;
 - (h) Compression;
 - (i) Vibration;
 - (j) Jostling;
 - (k) Shaking; and
 - (l) Rocking; and
- (3) 200 hours of approach to the business of massage, including:
 - (a) Contraindications;
 - (b) Benefits;
 - (c) Business;
 - (d) History;
 - (e) Ethics;
 - (f) Legalities of massage; and
 - (g) Courses designated to meet the school's specific program objectives.

Section 5. A person who is licensed, certified or registered in another state or country shall provide evidence of training and supervision that meets the requirements of KRS 309.358 and this administrative regulation.

Section 6. Appeals. An applicant may appeal for a board decision regarding his or her licensure application in accordance with KRS Chapter 13B.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference: "Application for Licensure as a Massage Therapist", March 2004.

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the Chair of the Kentucky State Board of Licensure for Massage Therapy has approved this administrative regulation prior to its filing by the Kentucky State Board of Licensure for Massage Therapy with the Legislative Research Commission as required by KRS Chapter 13A, to carry out and enforce provisions of KRS 309.350 to 309.364.

THERESA M. CRISPER, Chair

APPROVED BY AGENCY: March 8, 2004

FILED WITH LRC: March 17, 2004 at 2 p.m.

CONTACT PERSON: Kristen Webb, Director, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602, phone (502) 564-4233, fax (502) 564-4818.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Kristen M. Webb

(1) Provide a brief summary of

(a) What this administrative regulation does: This administrative regulation establishes the application process and curriculum requirements for licensure as a massage therapist.

(b) The necessity of this administrative regulation: KRS 309.355(3) requires the Board of Licensure for Massage Therapy to carry out the provision of licensure of massage therapists and KRS 309.358 and 309.360 require the board to establish an application process.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes explicit guidelines to carry out the provision of KRS 309.358 and 309.360.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes explicit guidelines enabling this board to implement KRS 309.358 and 309.360.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
N/A

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals planning to practice massage therapy; approximately 3,031 individuals currently practicing massage therapy; approximately 1,000 students currently enrolled in schools of massage therapy; and educational programs that provide the required massage therapy training.

(4) Provide an assessment of how the above group or groups will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment: Current and future massage therapists are given a mechanism for application as required under KRS 309.050 through 309.364. The administrative regulation and state requirements for licensure will be taught to students, ensuring each candidate for licensure understand the required state law and fees necessary for licensure under KRS 309.357. Schools should not find any additional expense due to this administrative regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation: Initial cost to implement this administrative regulation is for posting, printing and mailing it as part of the total set of new administrative regulations for the practice of massage therapy. This application process provides for fees to be paid to the board and brings in revenue. This revenue cannot be collected with printing costs of 2 page applications, for an estimated 1,000 applications who will use one or the other form in the second year.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of the funding to be used for implementation enforcement is the proposed licensing fees. Proposed initial licensing fee is \$125. A 2002 Opinion Research Corporation (ORC) Caravan survey by Decision Diagnostics estimated 3,031 practicing massage therapists in Kentucky. An estimated 1,000 will apply for licensure in the first year, for a fund of \$125,000. The majority is estimated to apply near the end of the grandfathering period, bringing another 2,000+ application fees for a second-year income of \$250,000. It is to be noted that the assembly of this proposed administrative regulation presented no cost to the state prior to filing with the Compiler.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: KRS 309.358 and 309.360 require an application process for licensure as a massage therapist. This new

administrative regulation creates this process does not require any new funding beyond what will be realized by the application fees.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees, but does reference fees as created under 201 KAR 42:020.

(9) TIERING: Is tiering applied? Tiering does not apply in this regulation regarding fees, however, grandfathering provisions and curriculum requirements are tiered based upon: 1) the time frame applicant applies for licensure; and 2) the number of years and experience of a licensee.

